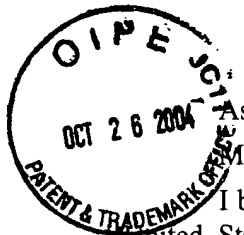


**DECLARATION - USA PATENT APPLICATION**

As a below named inventor, I hereby declare that:

My residence, mailing address and citizenship are as stated below next to my name;

I believe that I am one of the original, first and joint inventors (namely, Bernhard B. Sterling, a United States citizen having a residence and mailing address at 882 El Pintado Road, Sunnyvale, California 94086, James R. Braig, a United States citizen having a residence and mailing address at 280 Mountain Avenue, Piedmont, California 94611, Daniel S. Goldberger, a United States citizen having a residence and mailing address at 644 College Avenue, Boulder, Colorado 80302, Philip C. Hartstein, a United States citizen having a residence and mailing address at 171 Bryant St. Apt. G, Palo Alto, California 94301, and Robert D. Gaffney, a United States citizen having a residence and mailing address at 11 Irving Avenue, Atherton, California 94027) of the subject matter which is claimed and for which a patent is sought on the invention entitled METHOD OF DETERMINING ANALYTE CONCENTRATION IN A SAMPLE USING INFRARED TRANSMISSION DATA; the specification of which was filed on **April 15, 2004** as Application Serial No. **10/825,085**;

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims;

I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, § 1.56;

I hereby claim the benefit under Title 35, United States Codes § 119(e) of any United States provisional application listed below.

Application No.: **60/463,133**

Filing Date: **April 15, 2003**

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful, false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of first inventor: **Bernhard B. Sterling**

Inventor's signature

*Bernhard B. Sterling*

Date

*October 15, 2004*

Residence: **882 El Pintado Road, Sunnyvale, California 94086**

Citizenship: **United States**

Mailing Address: **Same**

Send Correspondence To:

**KNOBBE, MARTENS, OLSON & BEAR, LLP**

**Customer No. 20,995**

# ALL-PURPOSE ACKNOWLEDGEMENT

State of California

County of ALAMEDA

} SS.

On OCT. 15, 2004

(DATE)

before me,

Jennifer Villavert Le

(NOTARY)

personally appeared

Bernard Sterling

(SIGNER(S))

☒ personally known to me

- OR -

☐

proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.



WITNESS my hand and official seal.

Jennifer Villavert Le  
NOTARY'S SIGNATURE

## OPTIONAL INFORMATION

The information below is not required by law. However, it could prevent fraudulent attachment of this acknowledgement to an unauthorized document.

### CAPACITY CLAIMED BY SIGNER (PRINCIPAL)

- ☐ INDIVIDUAL  
☐ CORPORATE OFFICER

TITLE(S)

- ☒ PARTNER(S)  
☐ ATTORNEY-IN-FACT  
☐ TRUSTEE(S)  
☐ GUARDIAN/CONSERVATOR  
☐ OTHER:

SIGNER IS REPRESENTING:  
NAME OF PERSON(S) OR ENTITY(IES)

### DESCRIPTION OF ATTACHED DOCUMENT

Declaration - US Patent Applc.  
TITLE OR TYPE OF DOCUMENT

1 of 1  
NUMBER OF PAGES

None - Filing Date: 4/15/03  
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Applc. Serial #: 10/825,085  
OTHER

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OF  
SIGNER

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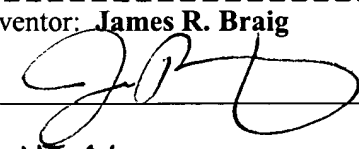
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Full name of first inventor: **James R. Braig**

Inventor's signature 

Date **10-15-04**

Residence: **280 Mountain Avenue, Piedmont, California 94611**

Citizenship: **United States**

Mailing Address: **Same**

Send Correspondence To:  
KNOBBE, MARTENS, OLSON & BEAR, LLP  
Customer No. **20,995**

ALL-PURPOSE ACKNOWLEDGEMENT

State of California

County of ALAMEDA

SS.

On Oct. 15, 2004

(DATE)

before me, JENNIFER VILAVERT LE

(NOTARY)

personally appeared JAMES BRAIG

SIGNER(S)

☒ personally known to me

- OR -

☐ proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.



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*Jennifer Villavert Le*  
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☐ OTHER:

SIGNER IS REPRESENTING:  
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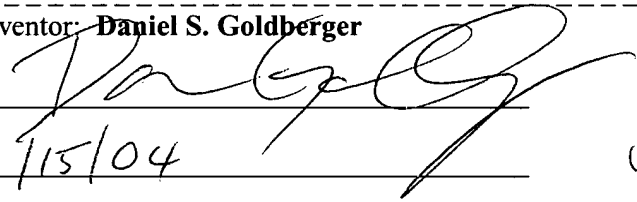
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Full name of first inventor: **Daniel S. Goldberger**

Inventor's signature 

Date 10/15/04

Residence: **644 College Avenue, Boulder, Colorado 80302**

Citizenship: **United States**

Mailing Address: **Same**

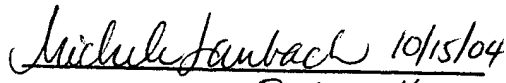
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Send Correspondence To:

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**Customer No. 20,995**

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10/15/04  
Business Mgr.  
Subscribing Witness

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Full name of first inventor: **Philip C. Hartstein**

Inventor's signature

Date

15. October 2004

Residence: **171 Bryant St. Apt. G, Palo Alto, California 94301**

Citizenship: **United States**

Mailing Address: **Same**

10/15/04  
subscribing witness

Send Correspondence To:

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**Customer No. 20,995**

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Full name of first inventor: **Robert D. Gaffney**

Inventor's signature \_\_\_\_\_

Date \_\_\_\_\_

8/19/04

Residence: **11 Irving Avenue, Atherton, California 94027**

Citizenship: **United States**

Mailing Address: **Same**

Send Correspondence To:

**KNOBBE, MARTENS, OLSON & BEAR, LLP**

**Customer No. 20,995**

Wichule Joubach 10/15/04  
Subscribing witness

# SUBSCRIBING WITNESS JURAT

State of California

County of

Alameda

SS.

On

October 15, 2004

DATE

appeared

Michelle Laubsch

SUBSCRIBING WITNESS'S NAME

me on the oath of

CREDIBLE WITNESS'S NAME

be the person whose name is subscribed to the within instrument, as a witness there to, who, being by me duly sworn, deposed and said that he/she was present and saw Daniel S. Goldberg, Philip C. Hartstein, and Robert O. Gaffney the

NAME(S) OF PRINCIPAL(S)

same person(s) described in and whose name(s) is/are subscribed to the within and annexed instrument in ~~his/her~~ their authorized capacity(ies) as (a) party(ies) thereto, execute the same, and that said affiant subscribed ~~his/her~~ name to the within instrument as a witness at the request of

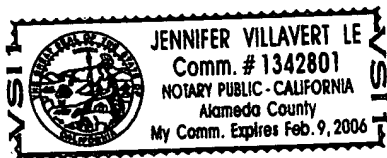
Daniel S. Goldberg, Philip C. Hartstein, and Robert O. Gaffney

NAME(S) OF PRINCIPAL(S)

WITNESS my hand and official seal.

Jennifer Villaver Le

NOTARY'S SIGNATURE



## OPTIONAL INFORMATION

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ABSENT SIGNER (PRINCIPAL) IS REPRESENTING:  
NAME OF PERSON(S) OR ENTITY(IES)

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TITLE OR TYPE OF DOCUMENT

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NUMBER OF PAGES

April 15, 2004

DATE OF DOCUMENT

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OF  
SIGNER

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